(47)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No. 951 of 2004

PETITIONER Khirsindhu Pradhan aged 20 years S/o Keshav Pradhan, R/o village Banzibahal, Gram Panchayat Ghuchapali, Tahsil-Saraipali, Distt.- Mahasamund (C.G.)

Versus

RESPONDENTS

1. The State of Chhattisgarh, Through Secretary, Panchayat Department, D.K.S. Bhawan Raipur (C.G.)
2. Sub-Divisional Officer/Prescribed Authority, Gram Panchayat – Ghuchapali, Tahsil.- Saraipali, Distt. Mahasamund. (C.G)
3. Gram Panchyat, Through Sarpanch Gram Panchayat Ghuchapali, Tahsil Saraipali, Distt. Mahasamund (C.G.)
4. Makaradwaja Patel, S/o. Munku Patel, aged about 34 years, R/o Village Banzibahal, Gram Panchayat Ghuchapali, Tahsil – Saraipali, Distt. – Mahasamund (C.G.)

Appearance:

Shri L.C. Dash, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/respondents No. 1 & 2

None for respondent No.3

Smt. Indira Tripathi, counsel for respondent No.4

ORAL ORDER
(17.8.2007)

Sunil Kumar Sinha, J.

Heard.

Learned counsel for the petitioner submits that since the copy of impugned order was not supplied to the petitioner, therefore, the petitioner had to file this petition. But during the pendency of writ petition, the certified copy has been supplied, therefore, this petition may be permitted to be withdrawn with liberty to file duly constituted appeal before the Appellate Authority. He submits that by this time, the limitation of filing the appeal has expired, therefore, some observation be made in this regard.

So far as withdrawal of petition is concerned, it is not opposed by counsel for the respondents. However, they are opposing the prayer regarding observation about limitation.

Considering the facts and circumstances of the case, the oral prayer for withdrawal of the petition is allowed.

The petition is disposed of as withdrawn.

About the limitation, it is observed that there is already a provision for condonation of delay and if the petitioner, availing the statutory provision for condonation of delay, files an application giving explanation about time exhausted in prosecution of this petition, the application so filed shall be considered by the Appellate Authority and shall be disposed of in accordance with law keeping in mind, the time exhausted in prosecution of the writ petition as also the provisions of law in this regard.

With the aforesaid observations, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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